

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 15-41276
USDC No. 1:14-CV-254

United States District Court
Southern District of Texas
FILED

APR 19 2016

David J. Bradley, Clerk of Court

In re: HAROLD WILLIAM VAN ALLEN,

Petitioner

Petition for a Writ of Mandamus to the
United States District Court for the
Southern District of Texas, Brownsville

Before JOLLY, DAVIS, and HIGGINSON, Circuit Judges.

PER CURIAM:

Harold William Van Allen has filed in this court a pro se petition for a writ of mandamus. In his petition, he asks that we create “multi-circuit multi-state jurisdiction” in our court “for all underlying originating cases and all related constitutional cases listed in the docket” of a District of Columbia case, *Nat. Born Citizen Party Nat’l Comm. v. Fed. Election Comm’n*, No. 1:15-CV-1036. That case was dismissed in July 2015, *see* 1:15-CV-1036 (D.D.C. July 6, 2015), and an appeal is pending in the District of Columbia Court of Appeals under Appeal Number 15-5218.

In a separate pleading, Van Allen moves for a stay of the 2016 federal general election, followed by a “military assisted national re-census of natural born citizens and legally vetted naturalized citizens,” reapportionment, and redistricting. In a supporting memorandum on which he has written “Motion to Consolidate at [Supreme Court of the United States] Before Judgment,” Van

Allen lists cases in all the federal circuit courts of appeals. The motions to stay and to consolidate are DENIED.

The All Writs Act, 28 U.S.C. § 1651(a), grants us authority only to “issue all writs necessary or appropriate in aid of [our] jurisdiction[].” § 1651(a); *see In re McBryde*, 117 F.3d 208, 219 (5th Cir. 1997). The “traditional use of the writ in aid of appellate jurisdiction . . . in the federal courts has been to confine an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so.” *Roche v. Evaporated Milk Ass’n*, 319 U.S. 21, 26 (1943). The mandamus remedy is an extraordinary one, which we grant only in the clearest, most compelling cases. A party seeking mandamus relief must show both that he has no other adequate means for achieving the requested relief and that he has a clear and indisputable right to mandamus relief. *In re Willy*, 831 F.2d 545, 549 (5th Cir. 1987).

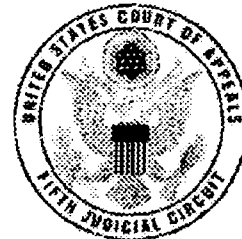
In his pleadings, Van Allen does not discuss any case pending in any district court in our jurisdiction. He does list a district court proceeding, No. 1:14-CV-254, *State of Texas et al. v. United States et al.*, in the caption of his pleadings. In that case, which concerns immigration policies, Van Allen was denied leave to intervene on August 24, 2015, although his pleadings were accepted as those of an amicus curiae. His mandamus pleadings, however, contain no discussion of that case or of his desire to intervene. Thus, his requests for relief do not lie within our mandamus authority. Further, he has made no attempt to show that he has a clear and indisputable right to the relief he seeks. *See In re Willy*, 831 F.2d at 549. His mandamus petition is frivolous.

Van Allen has filed identical or similar petitions for mandamus or other extraordinary relief in several other circuits. Many of those petitions have now been denied. *E.g.*, *In re Nat. Born Citizen Party Nat’l Comm.*, No. 15-2379 (1st Cir. Nov. 30, 2015); *In re Van Allen*, No. 15-3370 (2d Cir. Dec. 17, 2015); *In re*

No. 15-41276

Nat. Born Citizen Party Nat'l Comm., No. 15-3759 (3d Cir. Feb. 4, 2016); *In re Nat. Born Citizen Party Nat'l Comm.*, No. 15-2505 (4th Cir. Feb. 29, 2016); *In re Van Allen*, No. 15-6327 (6th Cir. Feb. 11, 2016); *In re Nat. Born Citizen Party Nat'l Comm.*, No. 15-3775 (8th Cir. Dec. 9, 2015); *In re Nat. Born Citizen Party Nat'l Comm.*, No. 15-80195 (9th Cir. Jan. 27, 2016); *In re Van Allen*, No. 15-1464 (10th Cir. Dec. 8, 2015). We warn Van Allen that the filing of repetitive frivolous pleadings will invite the imposition of sanctions, including monetary sanctions, dismissal, and restrictions on his ability to file pleadings in this court or in any court subject to our jurisdiction.

The petition for a writ of mandamus is DISMISSED AS FRIVOLOUS. A SANCTION WARNING is ISSUED.



A True Copy

Certified order issued Apr 19, 2016

Lytle W. Cayce

Clerk, U.S. Court of Appeals, Fifth Circuit

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

April 19, 2016

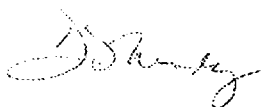
MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 15-41276 In re: Harold Van Allen
USDC No. 1:14-CV-254

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Donna L. Mendez, Deputy Clerk
504-310-7677

Mr. David J. Bradley, Clerk
Mr. Harold William Van Allen